

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION**

---

**SHOSHANA HEBSHI,**

Plaintiff,

-v-

Honorable Terrence G. Berg

Magistrate Laurie J. Michelson

Case No. 13-cv-10253

**UNITED STATES OF AMERICA; FRONTIER AIRLINES, INC.; JOHN BRAND**, in his individual capacity; **UNKNOWN FBI AGENT 1**, in his individual capacity; **UNKNOWN FBI AGENT 2**, in his individual capacity; **MARK DEBEAU**, in his individual capacity; **JEREMY BOHN**, in his individual capacity; **CAPTAIN PATRICK DRISCOLL**, in his individual capacity; **OFFICER GRANT**, in his individual capacity; **LT. M. WASIUKANIS**, in his individual capacity; **TOYA PARKER**, in her individual capacity; **DT. CARMONA**, in his or her individual capacity; **OFFICER JOHNSON**, in his or her individual capacity; **CORPORAL BRADLEY**, in his or her individual capacity; **UNKNOWN CBP OFFICER**, in his individual capacity; **DAVID LAKATOS**, in his individual capacity; **NATHANIAL DEVINS**, in his individual capacity; **UNKNOWN TSA AGENT 1**, in his individual capacity; **UNKNOWN TSA AGENT 2**, in her individual capacity; **ROBERT BALL**, in his individual capacity; **UNKNOWN ICE OFFICER**, in his individual capacity; and **PAUL BRUMLEY**, in his individual capacity;

Defendants.

-and-

**MARK DeBEAU, OFFICER GRANT, TOYA PARKER, DT. CARMONA, OFFICER JOHNSON, JEREMY BOHN, CAPTAIN PATRICK DRISCOLL, LT. M. WASIUKANIS, and CORPORAL BRADLEY,**

Cross-Plaintiffs,

-v-

**FRONTIER AIRLINES, INC.,**

Cross-Defendant.

---

**OFFICER BOHN, CAPTAIN DRISCOLL, LIEUTENANT WASIUKANIS,  
AND CORPORAL BRADLEY'S AMENDED AFFIRMATIVE DEFENSES**

NOW COME Defendants, OFFICER BOHN, CORPORAL BRADLEY, LIEUTENANT WASIUKANIS, and CAPTAIN DRISCOLL, by and through their attorneys, CUMMINGS, McCLOREY, DAVIS & ACHO, and for their Amended Affirmative Defenses, state as follows:

1. That at all times hereto, these Defendants had reasonable suspicion that criminal activity was taking place, and as such, the detainment of Plaintiff was constitutional.
2. That these Defendants had articulable suspicion to investigate criminal activity, and as such, the claims herein must be dismissed.
3. That at all times hereto, the officers were acting upon probable cause, and as such, the claims herein must be dismissed.
4. That Plaintiff has adequate state remedies which bar some or all of the claims made herein.
5. That the individual Defendants are entitled to invoke the doctrine of qualified immunity which bars the claims made herein.
6. That the actions of the individual officers do not shock the conscience of the Court or the trier of fact, and as such, the claims herein must be dismissed.
7. That to the extent that Plaintiff has pled a claim against these Defendants under the Fifth Amendment, such claim would be futile.
8. That any search was reasonable under the circumstances, and as such, the claims herein must be dismissed.
9. That to the extent Plaintiff has pled state tort claims against these Defendants, such claims would be barred by governmental immunity.

10. That the actions of these Defendants was not the proximate cause of any damages to the Plaintiff, and as such, some or all of the claims must be dismissed.
11. That at no time hereto, did these individuals act with conduct so reckless as to demonstrate a substantial lack of concern for whether an injury results, and as such, the claims herein must be dismissed.
12. That this matter may be barred by the statute of limitations.
13. That some or all of the individual officers did not have any personal involvement in Plaintiff's detention and investigation, and as such, the claims herein must be dismissed.
14. That these Defendants are entitled to the immunity afforded by 6 U.S.C. § 1104(b), which bars the claims asserted herein.
15. That these Defendants reserve the right to list additional Affirmative Defenses as they become known throughout the course of litigation.

Respectfully submitted,

/s/ T. Joseph Seward  
T. Joseph Seward (P35095)  
**Cummings, McClorey, Davis & Acho, P.L.C.**  
33900 Schoolcraft Road  
Livonia, Michigan 48150  
Telephone: (734) 261-2400  
Facsimile: (734) 261-4510  
e-Mail: [tjseward@cnda-law.com](mailto:tjseward@cnda-law.com)

*Attorneys for Corporal Bradley, Captain Driscoll,  
Officer Bohn, and Lieutenant Wasiukanis  
(Wayne County Airport Authority Defendants)*

DATE: July 1, 2013

**Certificate of Service**

I hereby certify that on **July 1, 2013**, I electronically filed the foregoing paper with the Clerk of the Court using the ECF system which will send notification of such filing to the following:

**MICHAEL J. STEINBERG (P43085)**  
**KARY L. MOSS (P49759)**  
**ALAN B. HAVIS (P36988)**  
**DENNIS D. PARKER**  
**RACHEL E. GOODMAN**  
**AYIRINI FONSCICA-SABUNE**  
**LYNN M. DODGE (P38136)**  
**WILLIAM H. GOODMAN (P14173)**  
**JULIE HORWITZ (P34720)**  
**KATHRYN BRUNER JAMES (P71374)**  
**SARAH E. WHITMAN**  
**ANNA ENGH**  
**SHELLI CALLAND**  
**ARJUN SETH**  
**SARAH TREMONT (P73809)**

/s/ T. Joseph Seward

T. Joseph Seward (P35095)

**Cummings, McClorey, Davis & Acho, P.L.C.**

33900 Schoolcraft Road

Livonia, Michigan 48150

Telephone: (734) 261-2400

Facsimile: (734) 261-4510

e-Mail: [tjseward@cnda-law.com](mailto:tjseward@cnda-law.com)